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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/877,247	06/11/2001	Kari Virtanen	P 281179 2980532US/PG/HER	9545
909	7590	04/21/2004	EXAMINER WEST, LEWIS G	
PILLSBURY WINTHROP, LLP P.O. BOX 10500 MCLEAN, VA 22102			ART UNIT 2682	
			PAPER NUMBER	

DATE MAILED: 04/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/877,247

Applicant(s)

VIRTANEN, KARI

Examiner

Lewis G. West

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2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Purnadi (6,201,971) in view of Shaffer (EP 0 848 560 A2).

Regarding claim 1, Purnadi discloses a method for limiting the quality of service (QoS) of data transmission in a wireless telecommunications system which comprises at least one terminal and a fixed network which comprises a database for storing subscriber data, the method comprising:

defining the quality of service of data transmission by means of quality of service parameters; (Col. 6 lines 53-65)

defining a subscriber specific maximum value for at least one quality of service parameter; (Col. 6 lines 39-52)

storing the subscriber-specific maximum value of the at least one quality of service parameter in the database comprising the subscriber data; (Col. 6 lines 18-65)

checking, in response to the request made by the terminal for connection establishment defined with at least one quality of service parameter, the subscriber-

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specific maximum value of the quality of service parameter in the database comprising the subscriber data;

comparing the at least one quality of service parameter requested by the terminal with the subscriber-specific maximum value of the quality of service parameter; (Col. 6 line 66-Col. 7 line 15) and

offering connection establishment with lower values of the quality of service parameters to the terminal to be accepted in response to the fact that at least one of the quality of service parameters requested by the terminal exceeds a maximum value (Col. 7 lines 15-27), but does not disclose that said maximum value exceeded is a subscriber specific maximum. Shaffer discloses offering lower QOS based on a subscriber specific maximum value. (Col. 8 lines 2-22) Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to offer lower QOS connection establishment to a user based on a subscriber specific maximum in order to avoid tariffs exceeding a user's preference.

Regarding claim 2, the combination of Purnadi and Shaffer discloses a method according to claim 1, wherein the method is implemented in a packet-switched data transmission system in connection with the wireless telecommunications system. (Col. 5 lines 46-54)

Regarding claim 3, the combination of Purnadi and Shaffer discloses a method according to claim 1, wherein the method is implemented in a circuit-switched data transmission system in connection with the wireless telecommunications system. (Col. 5 lines 34-45)

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Regarding claim 4, the combination of Purnadi and Shaffer discloses a method according to claim 1, wherein the method is implemented in an intelligent network-based data transmission system in connection with the wireless telecommunications system.

Regarding claim 5, the combination of Purnadi and Shaffer discloses a method according claim 1, wherein the quality of service parameters comprise at least one of the following parameters: data rate, delay, error ratio, multislot class. (Col. 2 lines 27-34)

Regarding claim 6, the combination of Purnadi and Shaffer discloses a method according to claim 1, wherein at least one subscriber-specific maximum value of the quality of service parameter is defined on the basis of another parameter. (Col. 6 lines 18-38)

Regarding claim 7, the combination of Purnadi and Shaffer discloses a method according to claim 1, wherein the service provider defines the maximum value of at least one subscriber-specific quality of service parameter. (Col. 6 lines 18-38)

Regarding claim 8, Purnadi discloses a wireless telecommunications system which comprises at least one terminal and a fixed network which comprises a database for storing subscriber data, wherein the quality of service of data transmission is defined by means of quality of service parameters in the system; (Col. 6 lines 39-65)

a subscriber-specific maximum value is defined for at least one quality of service parameter; (Col. 6 lines 39-52)

the subscriber-specific maximum value of the at least one quality of service parameter is stored in the database comprising the subscriber data; the terminal is configured to request connection establishment defined with at least one quality of service parameter; the subscriber-specific maximum value of the quality of service

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parameter is configured to be checked in the database comprising the subscriber data; the at least one quality of service parameter requested by the terminal is compared with the subscriber-specific maximum value of the quality of service parameter; (Col. 6 line 66-Col. 7 line 15)

and connection establishment with lower values of the quality of service parameter is configured to be offered to the terminal to be accepted in response to the fact that at least one of the quality of service parameters requested by the terminal exceeds a maximum value defined for the quality of service parameter. (Col. 7 lines 15-27) , but does not disclose that said maximum value exceeded is a subscriber specific maximum. Shaffer discloses offering lower QOS based on a subscriber specific maximum value. (Col. 8 lines 2-22) Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to offer lower QOS connection establishment to a user based on a subscriber specific maximum in order to avoid tariffs exceeding a user's preference.

Regarding claim 9, the combination of Purnadi and Shaffer discloses a telecommunications system according to claim 8, wherein the system comprises a wireless circuit-switched data transmission system. (Col. 5 lines 46-54)

Regarding claim 10, the combination of Purnadi and Shaffer discloses a telecommunications system according to claim 8, wherein the system comprises a wireless circuit-switched data transmission system. (Col. 5 lines 34-45)

Regarding claim 11, the combination of Purnadi and Shaffer discloses a telecommunications system according to claim 8, wherein the system comprises an intelligent network-based data transmission system.

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Regarding claim 12, the combination of Purnadi and Shaffer discloses a telecommunications system according to claim 8, wherein the quality of service parameters comprise at least one of the following parameters: data rate, delay, error ratio, multislot class. (Col. 2 lines 27-34)

Regarding claim 13, the combination of Purnadi and Shaffer discloses a telecommunications system according to claim 8, wherein at least one subscriber-specific maximum value of the quality of service parameter is configured to be defined by means of another parameter. (Col. 6 lines 18-38)

Regarding claim 14, the combination of Purnadi and Shaffer discloses a telecommunications system according to claim 8, wherein at least one subscriber-specific maximum value of the quality of service parameter is arranged to be defined by the service provider. (Col. 6 lines 18-38)

Regarding claim 15, Purnadi discloses a method for limiting the quality of service (QoS) of data transmission in a wireless telecommunications system which comprises at least one terminal and a mobile network which comprises a database for storing subscriber data, the method comprising: defining the quality of service of data transmission by means of quality of service parameters (Col. 6 lines 53-65); defining a subscriber-specific maximum value for at least one quality of service parameter (Col. 6 lines 39-52); storing the subscriber specific maximum value of the at least one quality of service parameter in the database comprising the subscriber data (Col. 6 lines 18-65); checking, in response to the request made by the terminal for connection establishment defined with at least one quality of service parameter, the subscriber specific maximum value of the quality of service parameter; comparing the at least one equality of service

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parameter requested by the terminal with the subscriber specific maximum value of the quality of service parameter (Col. 6 line 66-Col. 7 line 15; and offering connection establishment with lower values of quality of service to the terminal to be accepted in response to the fact that at least one of the quality of service parameters requested by the terminal exceeds a maximum value defined for the quality of service parameter. (Col. 7 lines 15-27) , but does not disclose that said maximum value exceeded is a subscriber specific maximum. Shaffer discloses using lower QOS based on a subscriber specific maximum value. (Col. 8 lines 2-22) Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to offer lower QOS connection establishment to a user based on a subscriber specific maximum in order to avoid tariffs exceeding a user's preference.

Regarding claim 16, Purnadi discloses a wireless telecommunications system which comprises at least one terminal and a mobile network which comprises a database for storing subscriber data, wherein the quality of service of data transmission is defined by means of quality of service parameters in the system (Col. 6 lines 53-65); a subscriber specific maximum value is defined for at least one quality of service parameter (Col. 6 lines 39-52); the subscriber specific maximum value of the at least one quality of service parameter is stored in the database comprising the subscriber data (Col. 6 lines 18-65); the terminal is configured to request connection establishment defined with at least one quality of service parameter; the subscriber specific maximum value of the quality of service parameter is configured to be checked; the at least one quality of service parameter requested by the terminal is compared with the subscriber specific maximum value of the quality of service parameter (Col. 6 line 66-Col. 7 line 15; and connection

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establishment with lower values of the quality of service parameter is configured to be offered to the terminal to be accepted in response to the fact that at least one of the quality of service parameters requested by the terminal exceeds the maximum value defined for the quality of service parameter (Col. 7 lines 15-27), but does not disclose that said maximum value exceeded is a subscriber specific maximum. Shaffer discloses using lower QOS based on a subscriber specific maximum value. (Col. 8 lines 2-22) Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to offer lower QOS connection establishment to a user based on a subscriber specific maximum in order to avoid tariffs exceeding a user's preference.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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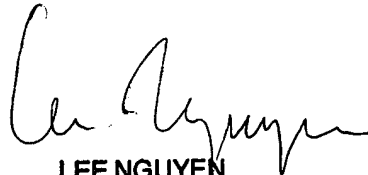
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lewis G. West whose telephone number is 703-308-9298. The examiner can normally be reached on Monday-Thursday 6:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 703-308-6739. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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